

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

Rosalind N. Banks, )  
Plaintiff, )  
v. )  
Transportation Security Administration, )  
Denise Duville, Bob Baker, Steven )  
Corey, )  
Defendants. )  
)

Civil Action No. 6:18-cv-3480-TMC

**ORDER**

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed this action pursuant to Title VII of the Civil Rights Act of 1964. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a magistrate judge for pretrial handling. Before the court is the magistrate judge's Report and Recommendation ("Report"), recommending that the court dismiss the complaint without prejudice. (ECF No. 13). Plaintiff was advised of her right to file objections to the Report. *Id.* at 5. However, Plaintiff filed no objections to the Report, and the time to do so has now run.

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). In the absence of objections, this court is not required to provide an explanation for adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

After a careful and thorough review of the record under the appropriate standards, as set forth above, the court adopts the magistrate judge's Report (ECF No. 13), which is incorporated herein by reference. Accordingly, the complaint is **DISMISSED without prejudice and without issuance and service of process.**<sup>1</sup>

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

February 13, 2019  
Anderson, South Carolina

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

---

<sup>1</sup> Dismissal without prejudice is appropriate because the court is without jurisdiction to rule on the merits of Plaintiff's Complaint at this time because Plaintiff has not yet received nor shown she is entitled to receive a right-to-sue letter from the EEOC. *See Davis v. N.C. Dep't of Corr.*, 48 F.3d 134, 140 (4th Cir. 1995).